

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-53-T - ORDER NO. 2021-__

May 24, 2021

Application of Armstrong Relocation Company,)	ORDER GRANTING
Charleston, LLC for Sale, Transfer, or Lease of)	TRANSFER
Class E (Household Goods) Certificate of Public)	
Convenience and Necessity No. 2977 from Dale J.)	
Cook Moving and Storage, Incorporated)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Armstrong Relocation Company, Charleston, LLC for approval of a transfer of assets from Dale J. Cook Moving and Storage, Incorporated (Cook), including Cook’s Class E Certificate of Public Convenience and Necessity, which was originally issued on September 9, 1986. The Class E Certificate in question allows for the movement of Household Goods as defined in 10 S.C. Code Regs. 103-210(1) (2012) between points and places in South Carolina.

I. PROCEDURAL HISTORY

Notice of this matter was timely published pursuant to 10 S.C. Code Ann. Regs. 103-817(C)(3)(a). No person intervened as a party of record.

On May 12, 2021, counsel for the South Carolina Office of Regulatory Staff (“ORS”)¹ filed a letter with the Commission setting out that it had reviewed the Application and supported approval of the Application. The ORS also informed the Commission that it did not intend to appear at the hearing in this Docket..

¹ A party of record pursuant to S.C. Code Ann. § 58-41-10(B) (2019).

A virtual hearing was held on May 13, 2021 at 2:00 P.M. The Applicant was represented at the hearing by John J. Pringle, Jr., Esquire, and presented the testimony of Mark Fitzgerald. The ORS did not appear at the hearing.

II. EVIDENCE OF RECORD

For the Applicant, Mr. Fitzgerald testified about the Applicant's knowledge and experience in the moving industry and stated that the Applicant was aware of and intended to comply with the Commission's regulations concerning household goods movers. The Applicant is part of the "Armstrong Relocation" group of companies, and Mr. Fitzgerald is also employed by Armstrong Transfer and Storage Co., Inc. d/b/a Armstrong Relocation Company ("Armstrong Transfer"), a moving company that holds a South Carolina statewide intrastate household goods certificate. Mr. Fitzgerald testified about the liability and cargo insurance obtained by the Applicant, as well as the financial condition of the Applicant. As demonstrated by the Application and Mr. Fitzgerald's Direct Testimony, Applicant intends to operate out of the existing Charleston County location previously operated by Cook, a 35,000 square foot concrete warehouse with approximately 2,500 feet of office space and approximately 400 storage units. The Applicant owns several trucks purchased from Cook, and has purchased an additional truck. The Applicant's vehicles receive regular inspections. Mr. Fitzgerald testified that the Applicant's employees receive regular training on proper moving and handling and safety. As set out in the Application, the Applicant intends to join the South Carolina Tariff Bureau. The Applicant also filed a copy of its proposed Bill of Lading with the Commission.

As shown by the Bills of Lading attached to the Application, Cook continuously offered and reasonably provided intrastate household goods moving services in the twelve (12) months prior to the filing date of the Application.

III. LAW

Our regulation on the transfer of a Certificate of Public Convenience and Necessity is found at 10 S.C. Code Ann. Regs. 103-135 (2012). That regulation states that the Commission shall approve an application for transfer of a Certificate of Public Convenience and Necessity upon finding that 1) the sale will not adversely affect the service to the public under the certificate; that the person acquiring said certificate or control thereof is fit, willing, and able to provide service to the public under the certificate; and 3) that all services under the certificate have been continuously offered and reasonably provided to the public for a period of time not less than 12 months prior to the date of the filing of the application for approval of the transfer. The regulation further states that no sale will be approved where such action would be destructive of competition or would create an unlawful monopoly.

Regulation 103-135(6) prohibits the sale for value of any Certificate of Public Convenience and Necessity issued subsequent to July 1, 1983. In an exhibit to the Application, both the Applicant and Cook declared that the Certificate “has been assigned a value of zero in the transfer of assets” that is the subject of this Docket.

IV. DISCUSSION

Applying the law to the facts presented in this Docket, we are convinced that the transfer will not adversely affect the service to the public under the Certificate. Based on the testimony of Mr. Fitzgerald and the letter from the ORS, we conclude that the transfer is in the public interest.

Additionally, we conclude that the Applicant has demonstrated that it is fit, willing, and able to operate as a household goods mover pursuant to S.C. Code Ann. § 58-23-330 and 10 S.C. Code Ann. Regs. 103-133. No evidence has been presented that granting the transfer will be destructive of competition or create an unlawful monopoly. And the services under the Certificate were offered and provided continuously in the twelve (12) months prior to the filing of the application in this Docket.

IT IS THEREFORE ORDERED:

1. The Application of Armstrong Relocation Company, Charleston, LLC for approval of a transfer of assets - including the Class E (Household Goods) Certificate of Public Convenience and Necessity- is hereby approved.
2. The Applicant's Bill of Lading is approved and attached hereto as Order Appendix A.
3. The Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 10 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 2 S.C. Code Ann. Regs. 38-400 through 38-503 (2014) of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.
4. Upon compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 10 (1976),

as amended, a Certificate shall be issued by the Office of Regulatory Staff authorizing the motor carrier services granted herein.

5. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized by this Order shall not be provided.

6. Failure of the Applicant to either (1) complete the process by complying with the Office of Regulatory Staff requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within ninety (90) days this Order or (2) to request and obtain from the Commission additional time to comply with the requirements stated above, will cause this Order granting the Application to be null and void, and the Application herein shall be dismissed without prejudice. In this event, no further order of this Commission is necessary.

7. Pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014), the ORS is requested to furnish the name and docket number of the Applicant to the Commission, should the Applicant fail to meet the requirements of the present Order. After such notification, the Docket shall be closed.

8. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

Justin T. Williams, Chairman
Public Service Commission of South
Carolina